

NORTH CAROLINA HOUSE OF REPRESENTATIVES

DEBATE ON

SESSION LAW 2017-108, SENATE BILL 615

AN ACT TO AMEND CERTAIN LAWS GOVERNING AGRICULTURAL MATTERS

TUESDAY, JUNE 27, 2017  
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Volume 1 of 1

Pages 1 through 20

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## PROCEEDINGS

(Track 1 begins.)

3 Speaker Moore: But we will come back to  
4 the -- Senate Bill 615, the clerk will read. And actually,  
5 the clerk will suspend and then the ---

6 The Clerk: Senators B. Jackson,  
7 Sanderson, and Brock; Senate Bill 615, a bill to be entitled  
8 An Act to Amend Certain Laws Governing Agricultural Matters.  
9 The General Assembly of North Carolina enacts.

10 Speaker Moore: For what purpose does the  
11 gentleman from Duplin, Representative Dixon, rise?

12 Representative Dixon: To debate the bill.

13 Speaker Moore: The gentleman is  
14 recognized to debate the bill.

15 Representative Dixon: Thank you, Mr. Speaker.

16 Members, we have before us here a continuing effort that  
17 we've all experienced over the last three sessions to  
18 introduce legislation that is -- will enhance the  
19 profitability and the performance of our agriculture sector  
20 in North Carolina.

21 I'll be very brief in my description. Section 1 of  
22 this bill is a study to look at amending the issues relating  
23 to the selling of perishable produce and also to look at  
24 considering the possibility of property tax abatement for  
25 aging farm machinery.

1           Section number 2 expands the facilities that are  
2 exempt from the EMC rule. Section 3 is a present use value  
3 change that adds grazing fees as a source of allowing income.  
4 Section 4 clarifies what does constitute abandoned livestock.

5           Section 6 clarifies that the Department of  
6 Agriculture and Consumer Services can administer the  
7 guidelines relative to sedimentation pollution control. This  
8 was overlooked when Forestry was transferred from DENR to the  
9 Department of Agriculture, and this just corrects that.

10           Section 7, assent to mutual provisions of the Great  
11 Plains Wildlife (sic) Protection Compact to put us in  
12 compliance with some of the federal regulations. Section 8  
13 clarifies agritourism and some of the facilities incident to  
14 that.

15           Section 9, it eliminates the county authority to  
16 adopt zoning regulations governing swine farms of certain  
17 sizes. Section 10 allows food compliance inspectors to drive  
18 state vehicles without state tags and bumper stickers.

19           Section 11 is meat and poultry technical corrections. That  
20 section is totally technical.

21           Section 12, to modernize forest ranger status, this  
22 comes from the department and puts clarifying language there  
23 that accomplishes that; Section 13, to allow emergency  
24 workers to receive workers' compensation when responding to  
25 nonfire emergencies.

1 Section 14, it creates an exception from conservation  
2 benefit analysis for the -- for certain easements. Section  
3 15 exempts farm trucks that stay in the state from having a  
4 USDOT identification number.

5 Section 16 eliminates or exempts the closure of hog  
6 lagoons from requiring the use of a professional engineer in  
7 lieu of technical specialists who are more involved with  
8 that. Section 17, it exempts farm vehicles engaged in  
9 intrastate commerce from certain federal motor carrier safety  
10 regulations.

11 Section 18, it disqualifies certain property from  
12 present use value classification. The simple explanation for  
13 this is if you have a solar facility, you cannot put a few  
14 sheep on that land and then apply for present use value.  
15 Section 19 authorizes wine sales at farmers markets, and  
16 that's important if you ever get in a farmers market where  
17 they're discussing anything about Asheville (phonetic). A  
18 little bit of wine would help.

19 I stand ready to ask for -- respond to any reasonable  
20 questions, and I think we have two friendly amendments, Mr.  
21 Speaker.

22 Speaker Moore: For what purpose does the  
23 gentleman from Union, Representative Brody, arise?

24 Representative Brody: To send forth an  
25 amendment.

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1 Speaker Moore: The gentleman is  
2 recognized to send forward his amendment. The clerk will  
3 read.

4 The Clerk: Representative Brody  
5 moves to amend the bill on page 5, line 21, by rewriting that  
6 line to read.

7 Speaker Moore: The gentleman has the  
8 floor to explain his amendment.

9 Representative Brody: Thank you, Mr. Speaker.  
10 Fellow members, this is an amendment that we worked with the  
11 ag department as well as both the House and Senate to bring  
12 forward, and I'll just read a brief paragraph on it.

13 It says some local governments are making  
14 interpretations that are curtailing the movement of products  
15 between farms for processing, storage, or other related  
16 activities along with the expansion of related farm  
17 facilities to accommodate the receipt of these products.

18 For example, the delivery of grain from a farm  
19 without a grain elevator to a farm with a grain elevator has  
20 been ruled as being commercial and not agricultural. This  
21 would make that agriculture.

22 Also it clarifies that a residence can be allowed on  
23 a farm as long as it's not -- it's incidental to the farm.  
24 In other words, you can -- in such an instance the farm  
25 remains -- the farm has to remain the primary use and

1 residential is viewed as an accessory use. In other words,  
2 you can't start building houses on a farm and then claim a  
3 farm exemption. This is primarily for an incidental use.  
4 And I'll stand for any questions and ask for your greens.

5 Speaker Moore: For what purpose does the  
6 gentleman from Duplin, Representative Dixon, arise?

7 Representative Dixon: Please vote yes on the  
8 amendment.

9 Speaker Moore: Further discussion,  
10 further debate on Amendment 1 sent forward by Representative  
11 Brody.

12 (No audible response.)

13 Speaker Moore: Seeing none, the question  
14 before the House is the adoption of the Amendment 1 sent  
15 forward by Representative Brody. Those favoring passage will  
16 vote aye. Those opposed will vote no. The clerk will open  
17 the vote.

18 (Brief pause.)

19 Speaker Moore: The clerk will lock the  
20 machine and record the vote. With 109 voting in the  
21 affirmative and none in the negative, the amendment is  
22 adopted. For what purpose does the gentleman from Guilford,  
23 Representative Faircloth, arise?

24 Representative Faircloth: To send forth an  
25 amendment.

1 Speaker Moore: The gentleman is  
2 recognized to send forward his amendment and the clerk will  
3 read.

4 The Clerk: Representative  
5 Faircloth ---

6 Representative Faircloth: (interposing) Thank you,  
7 Mr. Speaker.

8 The Clerk: Representative Faircloth  
9 moves to amend the bill on page 6, line 30 by rewriting that  
10 line to read.

11 Speaker Moore: The gentleman has the  
12 floor to debate his amendment.

13 Representative Faircloth: Thank you, Mr. Speaker.  
14 We discussed -- sometime back when we were working on the  
15 building code regulations reform, we discussed an operation  
16 called an equine therapeutic operation. That's where horses  
17 in a farm setting are being ridden by children with physical  
18 and mental problems and with adults having the same. The  
19 horses are used as therapy.

20 And you may recall there was a problem where an  
21 operation like that was trying to build a new place because a  
22 community college had taken their old farm away and it was  
23 inside of the city limits of the city of High Point.

24 We took care of that. You voted for that and we took  
25 care of that, and it was placed in -- as a part of the reg

1 reform bill. And then as the farm act moved along, the same  
2 section that's in the reg reform ended up in the farm bill as  
3 far as the General Statute 143-138, but the wording now is  
4 different.

5 This amendment does nothing more than correct the  
6 wording of that section so that both of these bills read the  
7 same. I ask for your support.

8 Speaker Moore: Further discussion,  
9 further debate.

10 (No audible response.)

11 Speaker Moore: Seeing none, the question  
12 before the House is the passage of Amendment 2 sent forward  
13 by Representative Faircloth. Those favoring passage will  
14 vote aye. Those opposed will vote no. The clerk will open  
15 the vote.

16 (Brief pause.)

17 Speaker Moore: The clerk will lock the  
18 machine and record the vote. With 112 having voted in the  
19 affirmative and none in the negative, the amendment is  
20 adopted. For what purpose does the gentleman from Nash,  
21 Representative Collins, arise?

22 Representative Collins: To debate the bill.

23 Speaker Moore: The gentleman has the  
24 floor and may debate the bill.

25 Representative Collins: I live in a farming area.

1 In fact my home county -- I've seen the statistics on it.  
2 It's something incredible, like 60 percent of the sweet  
3 potatoes grown in the world are either grown in Nash County  
4 or within 50 miles of the county, and that's just one of the  
5 crops that's grown in my area.

6 I just want to thank from the bottom of my heart as  
7 much as I possibly can Representative Dixon for keeping  
8 extraneous, non-farm material out of this bill. This is the  
9 first time since I've been in this General Assembly in 2011  
10 that I'm going to be able to vote for a farm bill.

11 And my no votes have never had anything to do with  
12 farming. They've always had to do with all the other  
13 non-farm stuff that's wound up creeping into these farm  
14 bills. So I want to offer an extreme debt of gratitude to  
15 Representative Dixon for truly making this a farm bill this  
16 year, and I gladly support it.

17 Speaker Moore: For what purpose does the  
18 lady from Franklin, Representative Richardson, arise?

19 Representative Richardson: Thank you, Mr. Speaker.  
20 I would like to be recorded as voting aye on the Faircloth  
21 amendment.

22 Speaker Moore: The lady from Franklin  
23 will be recorded as having voted aye on the Franklin (sic)  
24 amendment. For what purpose does the lady from Mecklenburg,  
25 Representative Belk, arise?

1 Representative Belk: Yes. I'd like to be  
2 recorded as voting no on HB 135.

3 Speaker Moore: The lady will be recorded  
4 as having voted no on the second reading of House Bill 135.  
5 For what purpose does the lady from Guilford, Representative  
6 Harrison, arise?

7 Representative Harrison: I'd like to be recorded  
8 as no on the concurrence vote on House Bill 135.

9 Speaker Moore: The lady from Guilford  
10 will be recorded as having voted no on the concurrence vote  
11 for House Bill 135. Further discussion, further debate.

12 (No audible response.)

13 Speaker Moore: Seeing none, the question  
14 before the House is the passage of Senate Bill 615 on its  
15 second reading. Those favoring passage will vote aye. Those  
16 opposed will vote no. The clerk will open the vote.

17 (Brief pause.)

18 Speaker Moore: The clerk will lock the  
19 machine and record the vote. With 108 voting in the  
20 affirmative and 7 in the negative, the House committee  
21 substitute for Senate Bill 615 has passed its second reading  
22 and will remain on the calendar.

23 | (Track 1 ends.)

**24** (Track 2 begins.)

25 Speaker Moore: Senate Bill 615, the

1 clerk will read.

2 The Clerk: Representatives B.

3 Jackson, Sanderson, and Brock, Senate Bill 615, a bill to be  
4 entitled An Act to Amend Certain Laws Governing Agricultural  
5 Matters. The General Assembly of North Carolina enacts.

6 Speaker Moore: The gentleman from  
7 Duplin, Representative Dixon, is recognized to debate the  
8 bill.

9 Representative Dixon: Mr. Speaker, there's an  
10 amendment. Would you please?

11 Speaker Moore: The gentleman would like  
12 to send forth the amendment first. The gentleman is  
13 recognized for that purpose. The clerk will read the  
14 amendment.

15 The Clerk: Representative Dixon  
16 moves to amend the bill on page 23, lines 26 through 27 by  
17 inserting the following between those lines.

18 Speaker Moore: The gentleman is  
19 recognized to debate the amendment.

20 Representative Dixon: Thank you, Mr. Speaker.  
21 This amendment -- there are various organizations that for  
22 some time over the last couple of weeks have been looking for  
23 the right opportunity -- they weren't necessarily going to do  
24 it here in the -- in the farm act, although I think it's very  
25 applicable, but that's an explanation of why at this point

1 that we're offering an amendment -- Farm Bureau and other  
2 farm organizations.

3                   And over the last couple of days I've heard from a  
4 lot of farmers across the state expressing concerns about  
5 this and wishing that there was a vehicle to do what this  
6 amendment does. It strengthens our right to work statutes by  
7 declaring certain agreements involving agriculture producers  
8 are against the public policy of North Carolina.

9                   The amendment would prohibit the use of litigation to  
10 force farms to unionize and ensure farmers are not required  
11 to collect dues for their employees. This reduces the  
12 regulatory burden on farms that is not required under federal  
13 law and is completely within the state's purview to regulate.  
14 I would urge your support of this amendment.

15                   Speaker Moore:                   Further discussion,  
16 further debate on the amendment? For what purpose does the  
17 gentleman from Orange, Representative Meyer, arise?

18                   Representative Meyer:           Thank you, Mr. Speaker.  
19 I'd like to ask the gentleman from Duplin a question.

20                   Speaker Moore:                   Does the gentleman from  
21 Duplin yield to the gentleman from Orange?

22                   Representative Dixon:           Yes, sir.

23                   Speaker Moore:                   He yields.

24                   Representative Meyer:           Thank you, Representative  
25 Dixon. Given that we already have quite strong right to work

1 protections, can you say a little bit more about why you  
2 think these additional protections are necessary for farms?

3 Representative Dixon: Yes, sir, because of  
4 continued harassment from out of state; there seems to be a  
5 growing wave of folks that are interested in farm labor.  
6 It's -- some consider it low hanging fruit to do things like  
7 that, and it's just a general tendency for an increase in  
8 activity that we consider to be harassment.

9 Representative Meyer: May I ask a second  
10 question?

11 Speaker Moore: Does the gentleman yield  
12 to an additional question?

13 Representative Dixon: I do.

14 Speaker Moore: He yields.

15 Representative Meyer: And so are you afraid  
16 that they're going to organize the farmworkers into a union  
17 even though unions or collective bargaining is prohibited in  
18 North Carolina? Is that -- is that what the fear is?

19 Representative Dixon: Sir, I'm not afraid of  
20 anything. And I understand that food is very important, and  
21 so no, we're not afraid, but an ounce of prevention is worth  
22 a pound of cure.

23 And there are predatory folks that make a good living  
24 coming around and getting people to be dissatisfied, and a  
25 few of us farmers are getting a little bit tired of it and we

1 want some properly measured priority so that we can continue  
2 to feed you.

3 Representative Meyer: Thank you, Representative  
4 Dixon.

5 Speaker Moore: Further discussion,  
6 further debate on the amendment? If not, the question before  
7 the House is the adoption of Amendment A3 sent forward by  
8 Representative Dixon. Those in favor will vote aye. Those  
9 opposed will vote no. The clerk will open the vote.

10 (Brief pause.)

11 Speaker Moore: The clerk will lock the  
12 machine and record the vote. With 73 having voted in the  
13 affirmative, 42 in the negative, the amendment is adopted.  
14 We're now back on the bill. Further discussion, further  
15 debate.

16 If not, the question before the House, passage of  
17 Senate Bill 615 on its third reading. Those in favor will  
18 vote aye. Those opposed will vote no. The clerk will open  
19 the vote.

20 (Brief pause.)

21 Speaker Moore: Representative Warren,  
22 does the gentleman wish to vote on the bill? The clerk will  
23 lock the machine and record the vote. 93 having voted in the  
24 affirmative and 23 in the negative, Senate Bill 615 passes  
25 its third reading. The bill is ordered engrossed and

1 returned to the Senate.

2 (Track 2 ends.)

3 (Track 3 begins.)

4 Speaker Moore: Representative Dixon is  
5 recognize to send forth a conference report to Senate Bill  
6 615. The clerk will read.

7 The Clerk: The conferees appointed  
8 to resolve the differences between the Senate and the House  
9 of Representatives on Senate Bill 615, a bill to be entitled  
10 An Act to Amend Certain Laws Governing Agricultural Matters,  
11 House committee substitute favorable 6/21/17, House committee  
12 substitute number 2 favorable 6/26/17, fifth edition  
13 engrossed 6/28/17, submit the following report.

14 The Senate and the House agree to the following  
15 amendment to the House committee substitute favorable  
16 6/21/17, House committee substitute number 2 favorable  
17 6/26/17, fifth edition engrossed 6/28/17, and the Senate  
18 concurs with the Senate (sic) substitute as amended.

19 The conferees recommend for the Senate and the House  
20 of Representatives to adopt this report; date conferees  
21 approved the report, June 28, 2017. Conferees for the  
22 Senate, Senator Jackson, chair, Senators Brock, Sanderson;  
23 conferees for the House of Representatives, Representative  
24 Dixon, chair, Representatives Bell and Hall.

25 Speaker Moore: Calendared, and without

1 objection the (unintelligible) calendar. Hearing none, so  
2 ordered.

3 (Track 3 ends.)

4 (Track 4 begins.)

5 Speaker Moore: Senate Bill 615, the  
6 clerk will read.

7 The Clerk: The conferees appointed  
8 to resolve the differences between the Senate and the House  
9 of Representatives on Senate Bill 615, a bill to be entitled  
10 An Act to Amend Certain Laws Governing Agricultural Matters,  
11 House committee substitute favorable 6/21/17, House committee  
12 substitute number 2 favorable 6/26/17, fifth edition  
13 engrossed 6/28/17, submit the following report.

14 The Senate and the House agree to the following  
15 amendment to the House committee substitute favorable  
16 6/21/17, House committee substitute number 2 favorable  
17 6/26/17, fifth edition engrossed 6/28/17, and the Senate  
18 concurs in the committee substitute as amended.

19 The conferees recommend that the Senate and the House  
20 of Representatives adopt this report. Date conferees  
21 approved the report, June 28, 2017. Conferees for the  
22 Senate, Senator Jackson, chair, Senators Brock and Sanderson;  
23 conferees for the House of Representatives, Representative  
24 Dixon, chair, Representatives Bell and Hall.

25 Speaker Moore: The gentleman from

1 Duplin, Representative Dixon, is recognized for a motion.

2 Representative Dixon: Mr. Speaker, I move that  
3 we adopt the conference report for House -- for Senate Bill  
4 615.

5 Speaker Moore: The gentleman has moved  
6 that the House do adopt the conference report for -- House  
7 committee substitute for Senate Bill 615. The gentleman is  
8 recognized to debate the motion.

9 Representative Dixon: Members, I would ask for  
10 your green vote on this. There was somewhat of a  
11 technicality with the inclusion of the PV -- present use  
12 value amendment that was added to the -- to the farm act.

13 All of the stuff behind it is not explainable, but I  
14 ask you for your green vote. We're just simply taking the --  
15 that provision out of the farm act so that it does not  
16 require a roll call vote and the business can be taken care  
17 of tonight.

18 Speaker Moore: Further discussion,  
19 further debate. If not, the question before the House is the  
20 motion to adopt the conference report, Senate Bill 615.  
21 Those in favor will vote aye. Those opposed will vote no.  
22 The clerk will open the vote.

23 (Brief pause.)

24 Speaker Moore: The following members  
25 wish to record: Representative Yarborough, Representative

1 Alexander, Representative Floyd.

2 (Brief pause.)

3 Speaker Moore: The chair sees some votes  
4 changing in the back left corner. If members want to  
5 double-check and make sure they meant to hit the green  
6 button, some of them are going to red. That way it will save  
7 time maybe. It won't affect the outcome, but that way we can  
8 save some time.

9 (Brief pause.)

10 Speaker Moore: The chair believes that  
11 the body has been given ample time to vote on this bill. The  
12 clerk will lock the machine and record the vote. 97 having  
13 voted in the affirmative, 19 in the negative, the conference  
14 report for the House committee substitute to 615 having been  
15 adopted, the bill is ordered enrolled, and actually at this  
16 point the Senate will be notified of the same.

17 (Track 4 ends.)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**C E R T I F I C A T E**

I, Kay K. McGovern, do hereby certify that the foregoing pages 3 through 19 represent a true and accurate transcript of a digital recording of the proceedings held in Raleigh, North Carolina on Tuesday, June 27, 2017, and Wednesday, June 28, 2017.

This, the 4th day of June, 2020.

**Kay K. McGovern, CVR-CM-M  
2020.06.04 14:58:09 -04'00'**

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